



State of Arizona
Board of Respiratory Care Examiners
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**BOARD OF RESPIRATORY CARE EXAMINERS
BOARD MEETING MINUTES**

Thursday, September 18, 2008, at 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix AZ

Board Members Present: Chair Toni Rodriguez, Vice Chair Becky Brimhall, Catherine Lindstrom, James Love, John O'Donnell, David Sanderson and Bill Cohagen

Board Members Absent:

Staff Present: Mary Hauf Martin, Executive Director
David Geriminsky, Program and Project Specialist
Valarie Davis, Administrative Assistant

Board's Legal Counsel: Michelle L. Wood, Assistant Attorney General

I CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Chair Toni Rodriguez, Ed.D.

DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

A. Discussion and Action on:

1. Review of a previous request for Board consideration of the following Scope of Practice issue: Persantine Stress Test. The Board noted that John Warden, an individual from the hospital in Tucson, where the request for an opinion originated with an RCP, was present. After discussion, the Board voted to adopt the following:

Advisory Opinion Statement on Persantine Stress Test

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on September 18, 2008, arrived at the following Advisory Opinion Statement on Persantine Stress Testing.

The practice of respiratory care is defined by A.R.S. §32-3501. The statute

pertinent to this Advisory Opinion Statement is cited below:

“5. 'Practice of respiratory care' means direct and indirect respiratory care services performed in a clinic, hospital, skilled nursing facility or private dwelling or other place deemed appropriate or necessary by the board in accordance with the prescription or verbal order of a physician and performed under qualified medical direction. These services include:

(a) Administering pharmacological, diagnostic and therapeutic agents related to respiratory care procedures and necessary to implement a treatment, disease prevention, pulmonary rehabilitative or diagnostic regimen prescribed by a physician.”

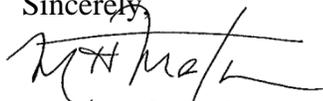
It is the opinion of the Board that the performance of persantine stress testing is within the scope of practice of a RCP as long as the Practitioner: 1) has received appropriate training in all aspects of the procedure to be performed as documented by qualified personnel; 2) is performing the procedure in accordance with the prescription or order of a qualified physician; and, 3) is under personal medical supervision of a physician, physician's assistant or nurse practitioner who must be in attendance in the room during the performance of the procedure.

While an RCP may administer the test, it is the opinion of the Board that qualified physician supervision must be present to diagnose and treat emergent adverse reactions that may occur during the performance of the test. An RCP who assumes the role of diagnosis and treatment without appropriate medical supervision would exceed the Respiratory Care Scope of Practice and therefore be subject to disciplinary action by the Board.

The Board strongly recommends that RCPs who are performing this procedure document both their training and on-going demonstration of competency.

This is an Advisory Opinion Statement of the Arizona Board of Respiratory Care Examiners that will in the near future be followed by adoption of a substantive policy statement related matter. The Board welcomes any related comments on this topic.

Sincerely,



Mary Hauf Martin
Executive Director

Board Meeting

2. Review of a request from Judie McGinnis, Director, Cardiopulmonary Services, Yuma Regional Medical Center on the following Scope of Practice Issue: Conscious Sedation

After discussing this issue, the Board decided to take note of the fact that the AARC has a new roundtable on practitioners who are involved in performing the procedures related to moderate, or conscious sedation. The Board felt it is clear that recovery of patients is in the Scope of Practice for Registered Respiratory Therapists who have the appropriate training and who document competency. Upon the advice of the Assistant Attorney General, this is an issue that requires further research and study. The Board decided to establish an Ad Hoc Committee to study this issue, and set it on the Agenda for the November 2008 meeting.

3. Review of two issues related to the following: Home Health.

After discussion, the Board noted that the Medical Equipment Company that requested this matter to be considered failed to respond to follow-up questions that the Board requires having the answers to before it can make a decision. After further discussion, the Board voted to Table this item until more information is received.

4. Board office highlights.

The Executive Director reported that efforts are continuing to conduct as much business as it can using electronic means. This meeting marked the first time that Board Members received materials in advance of the meeting in an electronic format. Greatly increased security of sensitive materials and savings in mailing costs are two immediate benefits of this change.

II APPROVAL OF MINUTES

Meeting held on August 21, 2008

David Sanderson moved approval of the Minutes as presented. **Becky Brimhall** seconded. **The Motion passed.**

III DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE

- A. Recommended for approval by the Executive Director

Jessica Arenas	Charla Benda	Natalie Bradshaw
Matthew Brown	Jolene Crain	Laticia DeCory
Jason Hathaway	Valarie Haynes	Vernon Jensen
Lee Knight	Jean Marsh	Michelle Nebo-Csanyi
Rosa Neely	Pandora Snyder	Jesse Speckman
Haley Spiking	Michelina Tecco de Hugill	Kati Turner
Loren Victor	Gulnora Witas	

Bill Cohagen moved approval of the aforementioned individuals recommended by the Executive Director for approval. **Becky Brimhall** seconded the Motion. **The Motion passed.**

B. Application for Licensure

- | | |
|------------------------|-------------------------------|
| 1. Kathryn Usry | Case Number C002331-09-008443 |
| 2. Marcus Chavez | Case Number C002332-09-008379 |
| 3. Nicole Von Atzingen | Case Number C002183-08-008035 |

1. Kathryn Usry Case Number C002331-09-008443

Ms. Usry was present. The Executive Director summarized Ms. Usry's situation, stating that she had provided the necessary documents establishing that she is eligible for permanent licensure. After discussion, **Bill Cohagen** moved that Ms. Usry be granted a license upon the condition that she pay a \$50.00 civil penalty. **Becky Brimhall** seconded. **The Motion passed.**

2. Marcus Chavez Case Number C002332-09-008379

Mr. Chavez was present. The Executive Director summarized Mr. Chavez's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, **Catherine Lindstrom** moved that Mr. Chavez be granted a license upon the condition of him paying a \$300.00 civil penalty within 30 days. **David Sanderson** seconded. **The Motion passed.**

3. Nicole VonAtzingen Case Number C002183-08-008035

Ms. VonAtzingen was present. The Executive Director summarized Ms. VonAtzingen's situation, stating that she had provided the necessary documents establishing that she is eligible for permanent licensure. After discussion, **John O'Donnell** moved that Ms. VonAtzingen be granted a license. **James Love** seconded. **The Motion passed.**

C. Re-Application for Licensure/Interview

1. Thomas Saylor Case Number C002330-08-008449

Mr. Saylor was present. The Executive Director summarized Mr. Saylor's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, **James Love** moved that Mr. Saylor be granted a license. **John O'Donnell** seconded. **The Motion passed.**

D. Ratification of Temporary Licenses Issued pursuant to A.R.S. § 32-3521

Cathy Abrecht	Michelle Backof	Shardey Billingsley
Christina Bowen	Kathryn Guenther	Tressa Hale
Jon Heake	Jessica Kuhn	Britni Little
Keith Phelps	Frank Rojo	Bill Scheller
Craig Strickler	Jackie Stubbs	Melissa Turf

Bill Cohagen moved ratification of the aforementioned individuals' temporary licenses. **David Sanderson** seconded the Motion. **The Motion passed.**

E. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Kyle Hurst

Roberto Picazo

Matthew Williams

David Sanderson moved ratification of the aforementioned individuals' temporary license extensions. **John O'Donnell** seconded the Motion. **The Motion passed.**

IV DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files.

Joeleen Dechene
Kyle Whitcomb

Brian Schmidlkofee

Lisa Shatara

John O'Donnell moved that the Board administratively close the application files of all the items on the agenda. **Bill Cohagen** seconded. **The Motion passed.**

V DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF TWO YEAR INACTIVE FILES

The Executive Director stated that these were routine two year inactive license files.

Recommended for closing of inactive files.

Krystal Ashby
Shirley Harrison
Stephen Liberatori
Brenda Perlman
Robert Tanner
Tim Voteary

Deborah Campbell
Kimberly Havea
Romulo Manuel
Scott Risse
Leslie Vasquez
Daniel Walk

Victoria Fuentes
David Lessard
Stacy McBride
Elizabeth Solle
Clifford Velzy
Carol White

Luke Cassidy - Deceased

John O'Donnell moved that the Board administratively close the two year inactive files of the aforementioned individuals. **Bill Cohagen** seconded. **The Motion passed.**

VI DISCUSSION/ACTION ON NOTICES OF LICENSE EXPIRATIONS

The Executive Director stated that these were routine license expirations.

Notice of License Expirations to the following individuals:

Tami Argo-Ray	Kendra Belford	Jean Biancalana
William Bonello	Jeffrey Browne	Elvin Burkett
Bonnie Cariveau	Karen Carter	Maureen Coy
Teddu Crowther	Kelly Davis	Taura Eads
Laura Fisher	Darry Flores	Chelsie Gilbeau
Franda Graves	Dagoberto Guzman	James Hansen
Mary Kane	Robyn Laughlin	Anthony McDonald
Catherine Medecke	Jason Millet	Lauren Nau
William Ollenburg	Sonal Patel	Daniel Ramos
Susan Reily	Richard Savage	Scott Servis
Stefanie Smolinski	Trina Sporleder	Randy Spurgeon
David Strong	Shana Thomas	Felmer Velasquez

Becky Brimhall moved to approve these license expirations. **John O'Donnell** seconded. **The Motion passed.**

VII. DISCUSSION/ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Ratify licenses issued by the Executive Director to individuals who met requirements for renewal.

Jeremy Beem	Erlinda Miller
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David Sanderson moved to ratify these late, renewed licenses. **John O'Donnell** seconded. **The Motion passed.**

VIII CONSIDERATION AND ACTION ON INVESTIGATIONS OF UNPROFESSIONAL CONDUCT

1. Ronald Pepperack	Case Number C002288-09-004284
2. Ronald Pepperack	Case Number C002304-09-004284
3. Terri Sandoval	Case Number C002333-09-005164
4. Nicole Von Atzingen	Case Number C002183-08-008035

1. Ronald Pepperack Case Number C002288-09-004284

Mr. Pepperack was present. The Executive Director summarized the allegation of unprofessional conduct against Mr. Pepperack. Chair Toni Rodriguez moved to enter into a stipulated rehabilitative order of probation for a period of 3 years requiring Mr. Pepperack to attend 12 step meetings have monthly reports sent to the Board from his employer and Random drug screens along with all other standard terms of probation. Bill Cohagen seconded. The

motion passed unanimously. Mr. Pepperack verbally agreed to enter into the Stipulated order.

2. Ronald Pepperack Case Number C002304-09-004284

This allegation was taken with Agenda Item VIII (1)

3. Terri Sandoval Case Number C002333-09-005164

Ms. Sandoval was present. After discussion **Becky Brimhall** moved to dismiss this allegation. **Bill Cohagen** seconded. **The Motion Passed.**

4. Nicole Von Atzingen Case Number C002183-08-008035

This allegation was taken with Agenda Item III (B)(3)

IX CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. 32-3553(G)

1. Brian Moore Case Number C002135-08-6892

Mr. Moore was present. The Executive Director reviewed the allegation of unprofessional conduct against Mr. Moore, which was that Brian Moore was terminated on November 13, 2007 for excessive computer usage. Mr. Moore had multiple disciplinary actions in his file related to computer usage and other issues.

Mr. Moore was:

- Terminated on November 14, 2007 for excessive computer usage
- On November 11, 2007 using the ABG Lab computers playing games when instructed to not leave the ED department.
- Given a final warning on October 23, 2007 for using hospital computers
- Later found on the Endoscopy Departments computers using them for personal reasons and was told by a Lead RT to get off of them.
- On October 21, 2007 Mr. Moore was on the computer in SCU looking for a job.
- On September 10, 2007 Mr. Moore was informed to stay off hospital computers looking for a job.
- On September 08, 2007 on his off day Mr. Moore was found in the hospital using the computers to look for a job and type his resume
- On November 26, 2006 Mr. Moore was found possibly sleeping in a patient's room. Mr. Moore states that he was not sleeping; he was watching the football game.
- On July 24, 2006 Mr. Moore took coffee into a patients room while he was giving breathing treatments after receiving a direct order not to do so
- On June 07, 2006 Mr. Moore was given a warning not to play cards on the computer
- On June 12, 2006 Mr. Moore was found to be playing cards on the computer

In his response, Mr. Moore stated that he did get on the computer to do billing and

CEU's. He also stated that he looked up patient information, and from time to time played solitaire.

The above information provided the Board a preponderance of evidence in support of the allegations. After discussion **Bill Cohagen** moved to place Mr. Moore's license under an order of disciplinary probation for a term of 3 years. The probation includes monthly reports from his employer for the first 6 months then quarterly reports from then on. The probation also includes a class in ethics that he must be registered for within 30 days and must have completed within 90 days along with all the other standard terms and conditions of probation. **Becky Brimhall** seconded. **The Motion Passed.**

X CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. §32-3553(G)

- | | |
|------------------|------------------------------|
| 1. Jose Madrigal | Case Number C002272-08-00628 |
| 2. Vicky Barthel | Case Number 7541-08-2333 |

1. Jose Madrigal Case Number C002272-08-00628

Mr. Madrigal, the Respondent, was not present, nor was he represented by legal counsel. Respondent falsified thirteen (13) instances, where he submitted time sheets, and was paid, for work that he had not done. The time-frame during which the falsification took place was from the week of October 8, 2006, through the week of January 14, 2007. The total amount of money involved is in excess of \$11,000.

On or around March 8, 2007, the Board received this allegation from Jean Mathews of Professional Respiratory Care Services. Ms. Mathews stated that, while at St. Joseph's Hospital and Medical Center, suspicion arose within the nursing staff office that some of the hours submitted by Mr. Madrigal to their staffing office were incorrect and possibly fraudulent. An investigation was launched and the discrepancies were discovered.

Respondent was informed of the allegation in writing. The Board reviewed the allegation at its May 15, 2008 Board Meeting, and voted to invite Respondent to an informal interview.

Respondent was invited in writing to the May 15 and the July 17, 2008 Board Meetings. He did not appear for either one.

On July 14, 2008, Respondent submitted a written response to the allegation, via email. He apologized for taking up the Board's time and requested a continuance for the informal interview scheduled for July 17, 2008.

On July 17, 2008, the Board held its regular, monthly, public meeting, in part to conduct the informal interview with Respondent. The Board reviewed his response to the allegation and all the information available. Due to the seriousness of the allegation, where the penalty could rise to the level of suspension or revocation of license, the Board felt the matter could be best resolved at a hearing. After discussion, Vice Chair Becky Brimhall moved to issue a Formal Complaint and Notice of Hearing to Respondent pursuant to A.R.S. § 32-3553. Cathy Lindstrom seconded. The motion passed unanimously.

On September 18, 2008, the Board held its monthly meeting to consider suspending or revoking Respondent's license to practice respiratory care. Respondent was served by U.S. certified mail with the Board's Complaint and Notice of Hearing which gave Respondent notice of the time, place and location of the meeting. The Board's Complaint directed Respondent to respond to the allegation in writing. Mr. Madrigal did not respond. Michelle L. Wood, Assistant Attorney General, called the Board's Executive Director, Mary Hauf Martin, as the State's first witness. Ms. Martin testified that the information in the Board's Complaint and Notice of Hearing was true and accurate. The second witness called was Tammy Wallace, of St. Joseph's Hospital and Medical Center, who conducted the investigation when the discrepancies were discovered between the hours that Respondent worked and the hours that he billed and was paid for. After going through each and every record from the hospital, Ms. Wallace established that the total amount of monies paid to Mr. Madrigal for work he had not performed was \$11,367.

Cathy Lindstrom moved to find that a preponderance of evidence was presented to support the information in the allegation, and to adopt Findings of Fact and Conclusions of Law as set forth in the Complaint and Notice of Hearing with the total amount as established in the testimony of Ms. Tammy Wallace. **Jim Love** seconded. **The motion passed.** After further discussion, **Bill Cohagen** moved to revoke Respondent's license to practice respiratory care in Arizona. **John O'Donnell** seconded. **The motion passed.**

2. Vicky Barthel Case Number 7541-08-2333

John O'Donnell moved to grant a motion filed by Ms. Barthel to continue this matter to a future meeting. **David Sanderson** seconded. **The Motion Passed.**

XI. CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

- **These Informal Interviews are scheduled for the afternoon session, which begins at 1:00**

Informal Interview Regarding Probation Compliance

1. Michael Ryan Case Number: 01062-07-2306

Mr. Ryan was present. The Board took no action.

2. Jerry Meade Case Numbers: C002299-09-004904,
C002300-09-004904

Mr. Meade was not present, but had submitted documentation justifying his absence. After discussing Mr. Meade's current situation, **Becky Brimhall** moved to offer Mr. Meade a Temporary Agreement not to Practice. **Bill Cohagen** Seconded. **The Motion Passed.**

3. Karen Warner Case Number: C002298-09-008713

Ms. Warner was present. The Board took no action

**XII. CONSIDERATION/ACTION ON POSSIBLE VIOLATION OF A.R.S. § 32-3556
AND A.A.C. R4-45-214.(13.)**

Sharon Overall

Case Number C002334-09-0000

Ms. Overall was not present. The Board reviewed all available documentation. **Catherine Lindstrom** moved to dismiss this allegation. **Becky Brimhall** Seconded. **The Motion Passed.**

XIII CALL TO THE PUBLIC

There was no one who identified themselves for the record and made public comment.

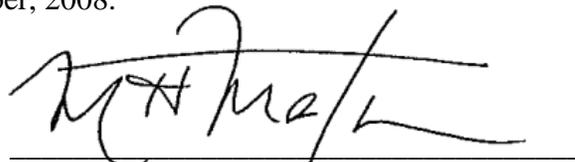
XIV ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, October 16, 2008 at 9:00 a.m.

XV ADJOURNMENT

Chair Toni Rodriguez adjourned the meeting at 3:21 p.m., without objection

DATED this 9th day of October, 2008.



Mary Hauf Martin, Executive Director